

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shinji SHIMADA et al.

Group Art Unit: 3754

Application No.: 10/757,396

Examiner: J. Kaufman

Filed: January 15, 2004

Docket No.: 38723.04

For: NON-LEAKING NON-DRIPPING LIQUID JET PUMP

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the June 17, 2004 Election of Species Requirement, the period for reply being effectively extended to October 18 by the Petition for Three Month Extension of Time filed herewith, Applicants provisionally elect Species K, Figures 31-32, with traverse. At least claims 17 and 18 are readable on the elected species.

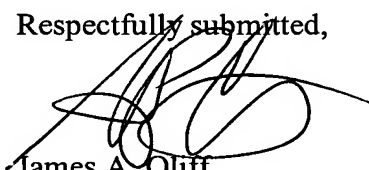
The Examiner has not provided any evidence that the various claims do not recite a common special technical feature. Accordingly, it has not been established that the claims do not relate to the same general inventive concept. Thus, the election is improper.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits,

even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid further unnecessary delay and expense to Applicants and further duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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JAO:SPC/can

Date: October 18, 2004

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